IN THE HIGH COURT OF BOMBAY AT GOA

LETTERS PATENT APPEAL NO.22 OF 2000

Joaquim Anthony Fernandes,
(deceased) through his legal heirs:

(1)Mrs. Piedade Conceicao Fernande,
(2)Master Felix Fernandes, minor,
through his mother and natural
guardian, Mrs. Piedade Conceicao
Fernandes,
Both r/o. Sonar-Vaddo, Verla,
Parra, Bardez, Goa. ..... Appellants.

V/s.

,
(deceased) through his legal heirs :

1.Sebastiana Cardoz e Rodrigues,

2.Agnelo Rodrigues (deleted as per
order dt. 4.12.2001.)

3.Maria Agnelo Rodrigues,

4.Hilary Rodrigues,

5.Jean Hilary Rodrigues,

6.Dominic Rodrigues,

7.Joanita Rodrigues,

8.Perpetua Rodrigues,

All r/o. Sonar-Vaddo,
Verla, Parra, Bardez, Goa. ..... Respondents.

Mr. J.E.C. Pereira, Sr. Advocate with Mr. J. Braganza, Advocate for the appellants.

Mr. E.P. Lobo, Advocate for the respondents.

CORAM : P.V.HARDAS &
D.G. KARNIK, JJ.

DATE : MARCH 17, 2004.

ORAL JUDGMENT (Per HARDAS, J.)

The original petitioner in Writ Petition No.201 of 2000 by this letters patent appeal have challenged the order of the learned Single Judge, dated 30.6.2001, dismissing the petition. The appellants herein/original petitioners had filed the instant petition challenging the order of the learned Administrative Tribunal, dated 25th January, 2000, in Misc. Application No.6/96/Condone /Mnd. in Mundkar Revision Application No.(Un-reg)., condoning the delay in filing the revision by the respondents herein. The revision was beyond the period of limitation prescribed, by period of two years and 162 days. The learned Administrative Tribunal, after referring to the facts pleaded in the application for condonation of delay, came to the conclusion that the reasons ascribed by the applicants therein did not amount to sufficient cause for condoning the delay, but felt that the impugned order in the revision was required to be challenged in the revision. The Tribunal, therefore, ultimately, condoned the aforesaid delay.

2.The appellants herein, who were the respondents in the revision before the learned Tribunal, filed Writ Petition No.201/2000, challenging the order of the learned Administrative Tribunal. As stated by us, the learned Single Judge by the aforesaid order dismissed the writ petition.

3.The learned Single Judge, in his Order, referred to the facts pleaded by the applicants seeking condonation of delay and after referring to various Judgments of the Apex Court as well as of other High Court, came to the conclusion that the reasons advanced by the respondents herein/original applicants before the Tribunal, amounted to sufficient cause and, therefore, the Tribunal rightly condoned the delay. The learned Single Judge expressed his disagreement in respect of the findings of the Tribunal that the applicants had not shown sufficient cause.

4.We have heard Mr. Pereira, the learned Senior Counsel on behalf of the appellants, who has urged that the learned Single Judge has attempted to carve out an

independent case for condonation of delay which was not

pleaded by the applicants in their petition. We have examined, in detail, the Order of the Tribunal as well as the Order of the learned Single Judge. According to us, the learned Single Judge, by referring to the grounds set out for condonation of delay, has arrived at a conclusion that sufficient cause had been made out by the applicants. We do not see any reason to find fault with the order of the learned Single Judge, warranting interference in the present letters patent appeal. The sufficient cause has to be interpreted in a liberal manner and the Tribunal as well as the learned Single Judge has precisely done that. According to us, The letters patent appeal is devoid of any merit. Accordingly, the letters patent appeal is dismissed with no order as to costs.

We are informed that the revision is pending adjudication before the Tribunal for the last five years. We accordingly direct the Administrative Tribunal to expeditiously decide the revision, on merits, preferably within three months from today.

P.V. HARADS, J.

D.G. KARNIK, J.

ssm.